

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMBER ROBERTS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C24-0351 RSM

**ORDER GRANTING  
DEFENDANT'S MOTION TO  
TRANSFER VENUE AND  
TRANSFERRING CASE TO U.S.  
DISTRICT COURT FOR THE  
DISTRICT OF ARIZONA**

This matter is before the Court on Defendant's Motion to Transfer Venue and Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or alternatively Motion for Summary Judgment. Dkt. 4.

Plaintiff's case was previously remanded by this Court on September 28, 2022. Dkt. 4-1 at 3. On April 23, 2023, the Commissioner sent a notice informing Plaintiff her case was remanded to an Administrative Law Judge (ALJ) for further proceedings, pursuant to this Court's Order. *Id.* at 5–11. The notice was sent to a Sequim, Washington address. *Id.* at 6, 11. After conducting a hearing on October 12, 2023, the ALJ issued an unfavorable decision on November 15, 2023, finding Plaintiff not disabled. *Id.* at 12–35. The notice of decision was sent to Sun City, Arizona. *Id.* at 12. In the notice, the ALJ informed Plaintiff that if she had any

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1 questions, she could call her local Social Security Office in Glendale, Arizona. *Id.* at 14. On  
 2 March 18, 2024, Plaintiff filed her Complaint in this Court. Dkt. 1. She alleged in her  
 3 Complaint she is a resident of Sun City, Maricopa County, Arizona. *Id.* at 1. Defendant then  
 4 filed the instant Motion. *See* Dkt. 4. In her Response to Defendant’s Motion, Plaintiff explained  
 5 she and her husband “are back and forth between Arizona and Washington,” and provided a  
 6 Sequim, Washington address, though it was different from the address the Commissioner  
 7 previously sent a notice to. *Compare* Dkt. 4-1 at 6, 11 *with* Dkt. 5 at 1.

8 Section 405(g) of the Social Security Act provides that an individual seeking judicial  
 9 review of a final decision from the Commissioner regarding his or her benefits “shall” bring the  
 10 civil action to “the district court of the United States for the judicial district in which the plaintiff  
 11 resides, or has his [or her] principal place of business, or, if he [or she] does not reside or have  
 12 his [or her] principal place of business within any such judicial district, in the United States  
 13 District Court for the District of Columbia.” *See* 42 U.S.C. 405(g).

14 Reviewing the relevant record, especially Plaintiff’s Complaint and the ALJ’s most  
 15 recent decision, it appears Plaintiff does not currently reside in Sequim, Washington.  
 16 Accordingly, the Court finds venue lacking in the Western District of Washington. *See Bailey v.*  
 17 *Saul*, No. 1:20-CV-01431-SKO, 2020 WL 6131553, at \*2 (E.D. Cal. Oct. 19, 2020) (finding  
 18 venue improper where the plaintiff does not currently reside).

19 The Court may transfer any civil action to any other district or division for the  
 20 convenience of the parties and witnesses and in the interest of justice where the case might have  
 21 been brought. 42 U.S.C. § 1404. As venue is lacking in this District under 42 U.S.C. 405(g), the  
 22 Court GRANTS Defendant’s Motion to Transfer Venue. Further, because the Court finds it  
 23 appropriate to transfer this case, the Court DENIES as MOOT Defendant’s Motion to Dismiss,  
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1 or alternatively, Motion for Summary Judgment. The Clerk is directed to transfer this matter to  
2 the U.S. District Court for the District of Arizona.

3 DATED this 8<sup>th</sup> day of July, 2024.

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7 RICARDO S. MARTINEZ  
8 UNITED STATES DISTRICT JUDGE  
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